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[2880/347]

DECLARATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that:

Our respective residences, post office addresses and citizenships are as stated below, next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "**MINIMALLY TRAUMATIC SURGICAL DEVICE FOR TISSUE TREATMENT**," the specification of which we understand was filed in the United States Patent & Trademark Office under Serial Number 09/853,760.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

We hereby claim the benefit under Title 35, United States Code, § 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

We hereby appoint Richard L. Mayer (Registration No. 22,490), Michael D. Loughnane (Registration No. 30,720), Paul M. Richter, Jr. (Registration No. 36,254) and Julie E. Stein (Registration No. 43,158) our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all communications regarding this application to:

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Direct all telephone calls to Paul M. Richter, Jr. at (212) 908-6121.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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